

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JUAN GONZALEZ,

Plaintiff

v.

JOHN DOE #1 and JOHN DOE #2,  
Individually and in their official  
Capacities as state police officers  
for the Pennsylvania State Police;  
RICHARD ROE #1 and RICHARD  
ROE #2, Individually and in their  
official capacities as agents for the  
United States Department of  
Homeland Security, U.S. Immigration  
and Customs Enforcement;  
PENNSYLVANIA STATE POLICE;  
and UNITED STATES DEPARTMENT  
OF HOMELAND SECURITY,  
UNITED STATES IMMIGRATION AND  
CUSTOMS ENFORCEMENT,  
Defendants

No. 3:18cv2254

(Judge Munley)

**ORDER**

**AND NOW**, to wit, this 16<sup>th</sup> day of March 2020, the motion to dismiss filed by Richard Roe #1, Richard Roe #2 and the United States Department of Homeland Security, United States Immigration and Customs Enforcement (hereinafter the “Federal Defendants”) (Doc. 24) is hereby **GRANTED** in part and **DENIED** in part.

Specifically, it is **GRANTED** with regard to the plaintiff's section 1983 claims as they relate to the Federal Defendants and those claims are dismissed.

The motion is **GRANTED** with regard to the assault and battery charges, without prejudice to the plaintiff moving for leave to amend that count if it becomes appropriate.

The motion is also **GRANTED** with regard to malicious prosecution, "substantive due process" and other constitutional claims asserted by the plaintiff which are subsumed by the Fourth Amendment claims, including False Arrest/False Imprisonment.

The motion is **DENIED** in all other respects.

The Federal Defendants are directed to immediately reveal to plaintiff the identities of the Richard Roe defendants.

**BY THE COURT:**

**s/ James M. Munley**  
**JUDGE JAMES M. MUNLEY**  
**United States District Court**